

AMENDED IN ASSEMBLY JANUARY 5, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1159

**Introduced by Assembly ~~Member Lieber~~ Members Lieber and
Koretz**

February 22, 2005

An act to amend Section ~~6303~~ 13014 of the Penal Code, relating to
~~regional jail camps~~ criminal records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1159, as amended, Lieber. Regional jail camps.

Existing law requires the Department of Justice to collect and compile specified information relating to the investigation and prosecution of homicide cases.

This bill would require the department to collect and compile additional information regarding defendants and victims in homicide cases from local government entities, if available.

By imposing new requirements on local government entities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law authorizes the Director of Corrections to enter into a contract, with the approval of the Director of General Services, with any county of the state, upon the request of the board of supervisors~~

thereof, wherein the director agrees to furnish confinement, care, treatment, and employment of county prisoners in regional jail camps, as specified.

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.

State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13014 of the Penal Code is amended to
2 read:

3 13014. (a) The Department of Justice shall perform the
4 following duties concerning the investigation and prosecution of
5 homicide cases:

6 (1) Collect information, as specified in subdivision (b), on all
7 persons who are the victims of, and all persons who are charged
8 with, homicide.

9 (2) Adopt and distribute as a written form or by electronic
10 means to all state and governmental entities that are responsible
11 for the investigation and prosecution of homicide cases forms
12 that will include information to be provided to the department
13 pursuant to subdivision (b).

14 (3) Compile, collate, index, and maintain a file of the
15 information required by subdivision (b). The file shall be
16 available to the general public during the normal business hours
17 of the department, and the department shall annually publish a
18 report containing the information required by this section, which
19 shall also be available to the general public.

20 The department shall perform the duties specified in this
21 subdivision within its existing budget.

22 (b) Every state or local governmental entity responsible for the
23 investigation and prosecution of a homicide case shall provide
24 the department with demographic information about the victim
25 and the person or persons charged with the crime, including age,
26 gender, race, and ethnic background *and the following*
27 *information if available.*

28 (1) *The occupation and income level of the defendant.*

29 (2) *The dates of the offense, trial, if any, and sentencing.*

1 (3) *The homicide offenses that the defendant was charged*
2 *with, and what, if any, offenses the defendant was convicted of,*
3 *or plead nolo contendere to.*

4 (4) *Whether the victim and defendant were related to each*
5 *other or knew each other.*

6 (5) *Whether the prosecutor served notice of intent to seek the*
7 *death penalty.*

8 (6) *If the prosecutor did serve notice of intent to seek the death*
9 *penalty, whether the notice was withdrawn prior to resolution of*
10 *the case, and if so, at what stage was the notice withdrawn.*

11 (7) *Whether the defendant was represented by retained or*
12 *appointed counsel.*

13 (8) *The county where the offense occurred and the county*
14 *where the case was prosecuted.*

15 (9) *The sentence imposed.*

16 (10) *Whether resolution was obtained by plea or by judgment*
17 *at trial.*

18 SEC. 2. *If the Commission on State Mandates determines that*
19 *this act contains costs mandated by the state, reimbursement to*
20 *local agencies and school districts for those costs shall be made*
21 *pursuant to Part 7 (commencing with Section 17500) of Division*
22 *4 of Title 2 of the Government Code.*

23 SECTION 1. ~~Section 6303 of the Penal Code is amended to~~
24 ~~read:~~

25 ~~6303. (a) The director may enter into a contract, with the~~
26 ~~approval of the Director of General Services, with any county of~~
27 ~~the state, upon the request of the board of supervisors thereof,~~
28 ~~wherein the Director of Corrections agrees to furnish~~
29 ~~confinement, care, treatment, and employment of county~~
30 ~~prisoners. The county shall reimburse the state for the cost of~~
31 ~~those services, the cost to be determined by the Director of~~
32 ~~Finance. Each county auditor shall include in his or her state~~
33 ~~settlement report rendered to the Controller in the months of~~
34 ~~January and June the amounts due under any contract authorized~~
35 ~~by this section, and the county treasurer, at the time of settlement~~
36 ~~with the state in those months, shall pay to the State Treasurer~~
37 ~~upon order of the Controller, the amounts found to be due.~~

38 ~~(b) The Department of Corrections shall accept the county~~
39 ~~prisoner if it believes that the prisoner can be materially~~
40 ~~benefited by the confinement, care, treatment, and employment,~~

1 and if adequate facilities to provide care are available. No county
2 prisoner shall be transported to any facility under the jurisdiction
3 of the Department of Corrections until the director has notified
4 the referring court of the place to which the person is to be
5 transmitted and the time at which he or she can be received.

6 (e) ~~The sheriff of the county in which an order is made placing~~
7 ~~a misdemeanor in a jail camp pursuant to this chapter, or any~~
8 ~~other peace officer designated by the court, shall execute an order~~
9 ~~placing the county prisoner in the jail camp or returning him or~~
10 ~~her therefrom to the court. The expense of the sheriff or peace~~
11 ~~officer incurred in executing the order is a charge upon the~~
12 ~~county in which the court is situated.~~